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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Howard A. Heller

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EXAMINER

IQBAL, KHAWAR

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/871,154	Applicant(s) HELLER ET AL.	
	Examiner KHAWAR IQBAL	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 7, 8 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 7, 8 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7,8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrol et al (20020068570) in view of Yamato et al (20070129072).

Regarding claim 2 Abrol et al discloses a method of selecting the operating mode of a wireless handset (2, fig. 1, 2) in connection with a handoff of the handset implemented in the handset comprising (fig. 1, 3 and 6):

associating, with a first wireless system (14, fig. 1,3) coupled to a server (20, fig. 1,3) connected to the Internet (IP network, fig. 1-2), a data base containing capability data indicative of the operating mode capability of a second wireless subsystem (16, fig. 1) coupled to the server (20, fig. 1,5) (para. # 0035-0035);

transmitting query messages (authentication request) containing an indication of the first wireless system and the location (location update) of the handset (12, fig. 1) in a first operating mode on the second wireless subsystem (16, fig. 1) from the handset (12, fig. 1) to the data base after execution of the handoff to retrieve the capability data, wherein the query messages contain information identifying the wireless subsystem to which the handset is then connected (para. # 0041-0043, 0056 and 0064-0066);

receiving the capability data from the data base on the second wireless subsystem in the first operating mode (para. # 0041-0043, 0053, 0056); and switching into a second mode on condition that the retrieved capability data indicates that the second wireless subsystem is capable of operation in the second mode (para. # 0041, 0053-0056, 0064-66). Abrol et al disclose the MS 2 sends a Location Update message, the Location Update message contains the PZID (packet zone ID), SID, and NID and the Location Update message contains a Location Value field as defined in the HDR specification. However, Abrol et al does not disclose the specific latitude-longitude location of the handset.

In an analogous art, Yamato et al teaches the specific latitude-longitude location of the handset (para. # 0062, 0072-0075, Note: radio terminal 18 calculates the longitude and the latitude by receiving radio signals arriving from a GPS satellite. Then, the current location of the radio terminal 18 indicated by the calculated longitude and latitude is notified to the radio control station 10 periodically, so that the radio control station 10 can identify the accurate location of the radio terminal 18, fig. 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Abrol et al teaches by specifically adding features the specific latitude-longitude location of the handset in order to enhance to provides more accurate location of mobile station taught by Yamato et al.

Regarding claim 7 Abrol et al discloses wherein the associating comprises designating the data base as a second Internet destination port for the handset (para. # 0041-0043, 0056 and 0064-0066, fig. 1, see claim 1 above).

Regarding claim 8 Mohammed discloses wherein the data base further contains configuration data including a listing of base stations that border the first wireless system (para. # 0041-0043, 0056 and 0064-0066, fig. 1, see claim 1 above).

Regarding claim 25 Mohammed wherein the server is designated as a first Internet destination port for the handset, the second wireless subsystems being coupled to the server through the Internet (para. # 0041-0043, 0056 and 0064-0066, fig. 1 and 6, see claim 1 above).

Response to Arguments

2. Applicant's arguments filed in the 4-22-09 Remarks have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meet the claimed limitations. Applicant's argument was that "Yamato does not disclose sending a specific latitude-longitude location of the terminal". Examiner respectfully disagrees with this argument. Examiner likes to point out in pinpoint that Yamato teaches radio terminal (18 fig. 1) calculates the longitude and the latitude by receiving radio signals arriving from a GPS satellite. Then, the current location of the radio terminal 18 indicated by the calculated longitude and latitude is notified to the radio control station (10 fig. 1, para. 0062) periodically, so that the radio control station 10 can identify the accurate location of the radio terminal 18 (para. # 0062, 0072-0075, fig. 6).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is (571)272-7909. The examiner can normally be reached on 9 am to 6.30 pm Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/K. I./
Examiner, Art Unit 2617